

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
June 27, 2016 at 6:00 P.M.

PLEDGE OF ALLEGIANCE A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Jeff Valiant, Chairman; Tina Baxter, Doris Horn, Mike Moesner, Jeff Willis and Mike Winge.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director, and Molly Barnhill, staff.

MEMBERS ABSENT: Terry Dayvolt

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Mike Moesner and seconded by Mike Winge, the Minutes of the last regular meeting held May 23, 2016, were approved as circulated.

SPECIAL USE:

BZA-SU-16-04-A

APPLICANT: Husk signs, by Kathy Heck, Account Exec.

OWNER: Saladin Investments, LLC, by Robert Saladin, Owner

PREMISES AFFECTED: Property located on the N side of SR 66 approximately 910' E of the intersection formed by SR 66 & Bell Rd., Ohio Twp. ~ 8366 SR 66 ~ *Complete legal on file.*

NATURE OF CASE: Applicant requests a Special Use (SU 8) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a 13.5' X 13' sign with a 5' X 10' electronic message board in a "C-4" General Commercial zoning district. This is an amendment to BZA-SU-16-04 approved 3-28-16 in order to change the location of the sign. *Advertised in The Standard June 16, 2016.*

Kip Husk, President of Husk Signs, Kathy Heck, and Robert Saladin were present.

The Chairman called for a staff report.

Mrs. Rector stated they are missing 2 green cards but they have all of the white pay receipts to show that they were mailed before the deadline and to the correct addresses. She said the existing land use is outdoor equipment sales. She said what happened before is if they look at

the plot plan there was a Newburgh Sewer easement that we were not aware of before; when they are not in a subdivision we have no way of knowing if there are any easements. She said Newburgh Sewer has made them aware of this easement so they have now moved the sign back out of the easement and Newburgh Sewer has seen this plot plan and has signed off on it. She said so this is amendment

The Chairman asked how far did they move the sign.

Mrs. Rector said the plot plan says moving 7 feet north.

Kathy Husk said it has been moved 8 feet.

Being no questions from the Board and no remonstrators present the Chairman called for motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to an Improvement Location Permit being obtained for the new message board.
4. Subject to any required Building Permits being obtained.
5. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.

6. Subject to no use of the words, 'stop', 'danger', 'look', or any other word which would confuse traffic.
7. Subject to no revolving beams of light or strobe lights.

The motion was seconded by Doris Horn and unanimously carried.

Mrs. Rector stated their approval will be ready by Wednesday to pick up.

BZA-SU-16-09

APPLICANT: Justin L. Freimiller

OWNER: Same

PREMISES AFFECTED: Property located on the south side of SR 68 approximately 1830' west of the intersection formed by Coles Creek Rd. and SR 68. Lane Twp. ~ 4677 SR 68 ~ *Complete legal on file*

NATURE OF CASE: Applicant requests a Special Use (SU 28) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a home workshop with 0 (zero) employees (currently) and four vehicles. Business is a general contractor in an "A" Agriculture zoning district. *Advertised in The Standard June 16, 2016.*

Justin Freimiller was present.

The Chairman called for a staff report.

Mrs. Rector stated they have all of the return receipts. She said the existing land use is a single family dwelling with an unattached accessory building. She said all of the surrounding property is zoned Agricultural with single family dwellings, farm ground, and a church. She said there is no flood plain and they have one driveway onto SR 68. She stated the proposed building is 4992 s.f. which, according to the Comprehensive Zoning Ordinance under home workshop, would allow up to four (4) employees in addition to the owner/operator and up to four (4) commercial vehicles. She said the applicant stated in the proposed use statement "I am a general contractor, wanting to use the building for storage of material and equipment, plus personal use, camper, cars trucks, boat, etc." She said he currently has a mini excavator, a trailer, skid loader, flat bed truck, and a Chevy truck.

Justin Freimiller had nothing to add to the staff report.

Mrs. Rector asked Attorney Doll that even though Mr. Freimiller is stating that at this time he does not have any employees, as long as he meets the Ordinance he could have up to four and he would not have to come back.

Attorney Doll said we are not approving this Special Use for 4 employees we are approving the size and the size controls how many employees they may have. He said so if he begins to hire people and they hope his business does succeed, he could hire up to four people before he has to come back and talk to them.

Being no questions from the Board and no remonstrators present the Chairman called for a motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to any required Local, State or Federal Permits.
4. Subject to the owner remaining a resident of the residence.
5. Subject to in addition to the owner/operator there shall not be more than one (1) employee for every one thousand (1000) square feet of the building being used as the home workshop.
6. Subject to all outside storage building enclosed in a solid fence and not to exceed the square footage of the building.
7. Subject to no more than one (1) commercial vehicle maintained for every one thousand (1000) square feet of the building used for the home workshop and shall not be visible from adjacent properties and public roadways.

The motion was seconded by Mike Moesner and unanimously carried.

Mrs. Rector stated their approval will be ready by Wednesday to pick up.

ATTORNEY BUSINESS: None

EXECUTIVE DIRECTOR BUSINESS: None.

Being no other business, the meeting adjourned at 6:12 p.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held June 27, 2016.

Sherri Rector, Executive Director